

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the remarks.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-29 are pending. Claims 1, 11 and 20 are independent. It is submitted that these claims, as originally presented, were in full compliance with the requirements of 35 U.S.C. §112.

### **II. REJECTIONS UNDER 35 U.S.C. §103(a)**

Claims 1-4, 6, 7, 11-14, 16, 17, 20, 22, 23, 25 and 26 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 5,642,153 to Chaney, et al. (hereinafter, merely "Chaney") in view of U.S. Patent No. 6,002,394 to Schein, et al. (hereinafter, merely "Schein") and U.S. Pub. No. 2002/0078467 to Rosin, et al. (hereinafter, merely "Rosin") and further in view of U.S. Patent No. 6,728,714 to Doganata, et al. (hereinafter, merely "Doganata").

Claims 5, 8, 15, 18, 24 and 27 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Chaney in view of Schein, Rosin and Doganata and further in view of U.S. Patent No. 6,598,226 to Sorensen, (hereinafter, merely "Sorensen").

Claims 9 and 28 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Chaney in view of Schein, Rosin, Doganata and Sorensen and further in view of U.S. Patent No. 6,075,570 to Usui, et al. (hereinafter, merely "Usui").

Claim 21 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Chaney in view of Schein, Rosin and Doganata and further in view of U.S. Patent No. 6,470,497 to Ellis, et al. (hereinafter, merely "Ellis").

Claims 10, 19 and 29 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Chaney in view of Schein, Rosin and Doganata and further in view of U.S. Patent No. 5,563,648 to Menand, et al. (hereinafter, merely "Menand").

### **III. RESPONSE TO REJECTIONS**

Rosin is disqualified as §103 prior art to the present application under the provisions of 35 U.S.C. §103(c). Under the provisions of 35 U.S.C. §103(c), as amended on November 29, 1999, subject matter developed by another person, which qualifies as prior art only under one of more of subsections (e), (f) and (g) of 35 U.S.C. §102, shall not preclude patentability under §103 where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person or organization.

Rosin and the present application were, at the time the present invention was made, subject to an obligation of assignment to the same organization, i.e., Sony Corporation. Such obligation is evidenced by the recording of assignment documents in the U.S. Patent and Trademark Office.

Accordingly, Rosin is disqualified as prior art in a rejection under 35 U.S.C. §103(a); and thus all of the outstanding rejections based upon Rosin in the above-noted Office Action are overcome.

Therefore, Applicants submit that the pending claims are patentable.


**CONCLUSION**

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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